

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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<p>In The Matter Of</p> <p>ROBERT LAWRENCE GERVEY, M.P. <i>(Certificate No. MP 300762),</i></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>No. 19-I-226</p> <p>CONSENT ORDER FOR REPRIMAND</p>
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Robert Lawrence Gervey, M.P. ("Dr. Gervey"), a medical psychologist, who at all times material to the facts and matters alleged herein was licensed and engaged in the practice of medical psychology in and around New Orleans, Louisiana, as evidenced by Certificate No. MP 300762.

The Board initiated an investigation upon the receipt of apparently reliable information indicating that Dr. Gervey violated the Louisiana Medical Psychology Practice Act ("the Act") and the Board's rules by failing to treat patients in consultation and collaboration with a patient's primary care physicians,¹ failing to re-consult with a patient's primary care physician,² and failing to document the consultation and obtain an authorization from a patient.³

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to file formal charges against Dr. Gervey, for violation of the Louisiana Medical Psychology Practice Act, pursuant to La. Rev.

¹La. Rev. Stat. §37:1360.56 requires the following: A. Medical psychologists shall prescribe only in consultation and collaboration with the patient's primary or attending physician, and with the concurrence of that physician.

²According to La. Rev. Stat. §37:1360.56 B. The medical psychologist shall also re-consult with the patient's physician prior to making changes in the patient's medication treatment protocol, as established with the physician, or as otherwise directed by the physician. The medical psychologist and the physician shall document the consultation in the patient's medical record.

³LAC 46:XLV§ 6115E, provides in pertinent part: Documentation of Physician Consultation. When psychopharmacologic management of a patient is indicated, the initial plan shall include consultation with the patient's primary or attending physician. The medical psychologist shall document the consultation with the primary or attending physician in the patient's medical record. Documentation shall include, but is not necessarily limited to: 1. patient authorization. . .

Stat. §37:1360.67A(28)⁴ and LAC 46:XLV.6121A.⁵ As evidenced by his subscription hereto, Dr. Gervey acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against his medical psychology license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medical psychology in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Gervey would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Dr. Gervey, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) and consents to entry of the Order set forth hereinafter. Dr. Gervey acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Gervey also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Gervey expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1360.67, La. Rev. Stat. §49:955(D), and the Consent Order for Reprimand heretofore entered herein;

IT IS ORDERED that Robert Lawrence Gervey, M.P. is hereby **OFFICIALLY REPRIMANDED** for his conduct.

IT IS FURTHER ORDERED that Dr. Gervey shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Two Thousand Dollars (\$2,000.00).

IT IS FURTHER ORDERED that Dr. Gervey shall, within one hundred and twenty (120) days of the date of this Order, provide confirmation that he has taken and successfully completed

⁴ According to La. Rev. Stat. §§37:1360.67A(23), The Board may refuse to issue, or may suspend or revoke any license or certificate, or impose probationary or other restrictions on any license or certificate issued under this Part for the following causes: (28) Violation of any rules and regulations of the board, or any provisions of this Part.

⁵ LAC 46:XLV§ 6121 provides, A. The board may refuse to issue, or may suspend or revoke any license or certificate, or impose probationary or other restrictions on any license or certificate issued under this Part, for violation of the board's rules relative to medical psychologists or for any of the causes set forth in MP Act, R.S. 37:1360.67A.

a course on ethics and professionalism related to medical psychology that is acceptable to and approved by the Board.

IT IS FURTHER ORDERED that Dr. Gervey shall, within one hundred and fifty (150) days of the date of this Order, complete fifty (50) hours of Board approved community service.

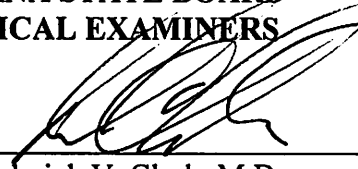
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Gervey shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Gervey's license to practice medical psychology in the state of Louisiana as the Board may deem appropriate as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1360.67.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective on this 31st day of July, 2020.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____

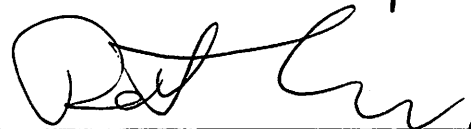

Roderick V. Clark, M.D.
President

Acknowledgment and Consent on Following Page.

**ACKNOWLEDGMENT
AND CONSENT**

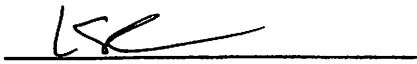
STATE OF LOUISIANA
PARISH OF ORLEANS

I, ROBERT LAWRENCE GERVEY, M.P., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 8th day of July, 2020.



ROBERT LAWRENCE GERVEY, M.P.

WITNESSES:



Signature

Laura Chauvin
Printed Name

3936 Bienville Ave.
Address

New Orleans, LA 70119
City, State, Zip Code



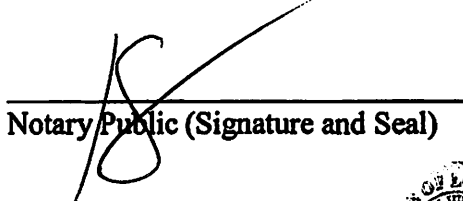
Signature

Erica Andrews
Printed Name

3936 Bienville St
Address

New Orleans, LA 70119
City, State, Zip Code

Sworn to and subscribed before me at (City) New Orleans, (State) Louisiana, this 8th day of July, 2020, in the presence of the two stated witnesses.



Notary Public (Signature and Seal)

Printed Name/Notary #



KATHRYN M. CARAWAY
Notary Public - #85305
State of Louisiana
Commission is for life